

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

QUINCY FUQUA]	
Plaintiff,]	
]	
v.]	No. 3:11-0849
]	Judge Campbell
DEPARTMENT OF SAFETY, et al.]	
Defendants.]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Grayson County Detention Center in Leitchfield, Kentucky. He brings this action pursuant to 42 U.S.C. § 1983 against the Tennessee Department of Safety and the State of Tennessee, seeking injunctive relief and damages.

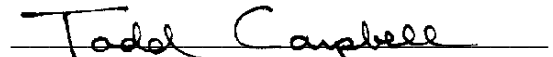
On February 25, 2011, officers from the Nashville Metropolitan Police Department executed a search warrant at the plaintiff's home. During the search, the officers confiscated two motor vehicles and a sum of cash. The plaintiff wants these items returned to him.

The Eleventh Amendment bars a suit in federal court by a citizen against a state or its agencies unless the state has expressly consented to suit by waiving its sovereign immunity or Congress has clearly overridden that immunity. Pennhurst State School and Hospital v. Halderman, 104 S.Ct. 900, 908 (1984); Will

v. Michigan Department of State Police, 109 S.Ct. 2304, 2312 (1989). Congress has not overridden a state's sovereign immunity to civil rights complaints. Nor has the State of Tennessee consented to waive its immunity to such actions. Berndt v. Tennessee, 796 F.2d 879 (6th Cir.1986). Therefore, faced with the defendants' sovereign immunity, the plaintiff has failed to state an actionable claim against the State of Tennessee and its Department of Safety.

Where a prisoner plaintiff has failed to state a claim upon which relief can be granted, the Court is obliged to dismiss his complaint *sua sponte*. 28 U.S.C. § 1915(e)(2). Accordingly, this action shall be dismissed.

An appropriate order will be entered.


Todd Campbell
United States District Judge